

LOWENSTEIN SANDLER LLP

Attorneys at Law

65 Livingston Avenue

Roseland, New Jersey 07068

973.597.2500

Attorneys for Defendant

Bankrate, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BANXCORP,

Plaintiff,

vs.

BANKRATE, INC.,

Defendant.

Civil Action No. 07-3398

Hon. Kevin McNulty, U.S.D.J.

**NOTICE OF MOTION TO
STRIKE THE REPORT AND
OPINIONS OF STAN V. SMITH,
PH.D, BANXCORP'S
DAMAGES EXPERT**

Oral Argument Requested

PLEASE TAKE NOTICE on May 6, 2013 or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendant Bankrate, Inc. ("Bankrate") shall move before the Honorable Kevin McNulty, U.S.D.J., for entry of an Order granting Bankrate's Motion to Strike the Report and Opinions of Stan V. Smith, Ph.D., BanxCorp's damages expert, pursuant to Fed. R. Evid. 702.

PLEASE TAKE FURTHER NOTICE that in support of its Motion to Strike, Bankrate shall rely upon the enclosed Brief in Support of its Motion to Strike the Opinion of Stan v. Smith, Ph.D, BanxCorp's Damages Expert, the documents referenced therein, and any reply brief to be submitted.

PLEASE TAKE FURTHER NOTICE that Bankrate requests oral argument.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: April 11, 2013

/s/ R. Scott Thompson
R. Scott Thompson
LOWENSTEIN SANDLER LLP
Attorneys at Law
65 Livingston Avenue
Roseland, New Jersey 07068
973.597.2500
Attorneys for Defendant
Bankrate, Inc.